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Wednesday, December 07, 2005

Relationship rights and the United States Supreme Court

A couple years ago I wrote this piece which links to a number of cases in which the United States Supreme Court has protected important rights of relationship. Post-New Deal courts often make a phony distinction between "economic" relationships (which post-New Deal U.S. courts do not generally deem worthy of protection, despite many expressed and implied clauses in the U.S. Constitution to the contrary) and political and personal relationships, which are often and quite properly well-protected. An unprejudiced reading of the United States Constitution indicates that it was intended to strongly protect economic relationships as well as political and personal ones.

Personal and political relationships are not strongly protected unless related economic relationships are strongly protected. (Thus, for example, the right to use contraceptives under *Griswold* is phony if it does not include the right make contracts regarding contraceptives, for example the right of a drugstore to sell and a consumer to buy condoms). Furthermore, many relationships and statuses labeled "economic" have strong personal aspects. For example, owning and living in a house usually includes important personal memories, privacy interests, and community ties. I will discuss this topic more in the future.

Posted by Nick Szabo at 9:56 AM

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Nick Szabo

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